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Attorney for Defendant Cody Allen Easterday

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CODY ALLEN EASTERDAY,

Defendant.

No. 4:21-CR-06012-SAB-1

**DECLARATION OF CARL J.
ORES KOVICH IN SUPPORT OF
DEFENDANT'S MOTION TO
CONTINUE SENTENCING
HEARING AND ASSOCIATED
DEADLINES**

I, Carl J. Oreskovich, do hereby declare the foregoing:

1. I am over the age of 18, competent to testify, and have personal knowledge regarding the matters stated herein.
2. I make this declaration in good faith and not for purposes of delay. This declaration is in support of a motion for continuance of Mr. Easterday's current sentencing date of October 5, 2021, to January of 2022. The parties

ask that the sentencing hearing occur after January 10, 2022.

3. The Motion is based upon the need for Mr. Easterday's continued participation in completing sales and preparing real property for transfer as part the Easterday Farms/Ranches bankruptcy and the liquidation of properties owned by Karen Easterday, and Cody and Debby Easterday. Mr. Easterday's continued participation is essential to creating the best possible outcomes for creditors in the bankruptcy cases.
4. The Easterday Farms/Ranches bankruptcy is extraordinarily complex. Cody and Debby Easterday, as well as Mr. Easterday's 78-year-old mother Karen, have entered into a cooperation agreement with the debtors and creditors in the bankruptcy whereby a significant amount of the Easterday individuals' real property was combined with the bankruptcy estate's real property and sold for the purpose of providing proceeds to creditors. This cooperation agreement is set to expire on December 31, 2021.
5. Paladin Management ("Paladin") is the chief restructuring officer in the Easterday Farms and Easterday Ranches, Inc. bankruptcies. Mr. Easterday works daily with Paladin to assist with the liquidation of agricultural products, farmland, real property and equipment.

- 1 6. Additionally, as I have indicated above, Mr. Easterday, his wife, Debby,
2 and his mother, Karen Easterday, have entered into a cooperation
3 agreement to contribute their individual properties to the bankruptcy to
4 maximize the amount of available proceeds for the creditors. A number of
5 issues are outstanding with respect to the allocation of the proceeds among
6 the parties to the cooperation agreement. It is in the best interest of all
7 creditors to negotiate a settlement of the allocation of proceeds involved in
8 the cooperation agreement and avoid litigation that will be extraordinarily
9 costly and will merely deplete the assets available to creditors.
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17 7. As an example, the monthly cost of administration of the bankruptcy
18 estates is approximately two million dollars (\$2,000,000.00). Continuing
19 the bankruptcy and extensive litigation for the next year or more could cost
20 easily exceed twenty million dollars (\$20,000,000.00).
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24 8. The negotiation must finalize before the expiration of the cooperation
25 agreement. Mr. Cody Easterday is the only member of the Easterday
26 family with the knowledge and expertise to assist in the negotiation of the
27 remaining issues on behalf of his family. It is anticipated that these matters
28 will be resolved by year end.
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1 9. I have conferenced with Mr. John Scanlon on September 7, and again on
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3 September 8, 2021. I advised Mr. Scanlon of my intent to file a motion for
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5 the continuance of the sentencing to a date after January 10, 2022. Mr.
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7 Scanlon has stated that the government is in agreement to our motion.

8 I hereby declare that the following is true and correct under penalty of
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10 perjury of the laws of the State of Washington and United States.
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12 EXECUTED this 14th day of September, 2021 in Spokane, Washington.
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15 By: /s/ Carl J. Oreskovich
16 Carl J. Oreskovich
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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated herein, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF System, which will send notification of such to all attorneys of record.

EXECUTED this 14th day of September, 2021 in Spokane, Washington.

By: /s/ Jodi Dineen
Jodi Dineen